

Copyright Guide

1 Introduction

This guide aims to help understanding of, and compliance with, Australian copyright law and to promote ethical use of copyrighted materials within AIE Institute. It applies to all staff, visitors, contractors, and students.

2 Overview of Copyright Law

2.1 Copyright basics

Copyright grants the creator exclusive rights to the use and distribution of their original works. In education, the use of copyright works often involves reproducing, distributing, or publicly displaying texts, images, videos, and audio recordings. In Australia, copyright is governed by the Copyright Act 1968, which protects various creative works including literary, dramatic, musical, and artistic works, as well as sound recordings, films, broadcasts, and published editions.

2.2 Types of copyright materials

Type of Material	Example
Literary Works	Written works, including novels, poems, and articles.
Dramatic Works	Plays, scripts, and other performance-based works.
Musical Works	Compositions, including music and lyrics.
Artistic Works	Visual art like paintings, drawings, and sculptures.
Sound Recordings	Audio recordings of music or other sounds.
Films	Motion pictures and movies.
Broadcasts	Radio and television broadcasts.
Published Editions	The layout and typography of published works.

2.3 Duration of Copyright

Type of Work	Duration of Copyright
Literary, Dramatic, Musical, and Artistic Works	Life of the author + 70 years after death (or 70 years after the death of the last surviving author)
Sound Recordings and Films	70 years from the end of the year in which the recording or film was made
Broadcasts	50 years from the end of the year in which the broadcast was made
Published Editions	25 years from the end of the year in which the edition was published

These time frames can be influenced by specific circumstances, so it is often good to refer to the Copyright Act for specifics. Advice is also available from the AIE Institute Library (contact library@aieinstitute.edu.au).

2.4 Rights of Copyright Owners

These rights enable copyright owners to manage and profit from their works, ensuring that they are compensated and can control how the work is used and shared.

The rights granted by the Act include the following:

2.4.1 Reproduction

Copyright owners have the exclusive right to make copies of their work, including physical (books) and digital (downloads) formats. Only the copyright holder can make copies, and unauthorised copying, such as illegal downloads or photocopying, infringes on this right.

2.4.2 Distribution

The distribution right lets the copyright owner control how their work is shared with the public, including the right to sell or distribute copies – for example, an author choosing where their book is sold. Unauthorised distribution, such as selling fake copies or pirated software, infringes on this right.

2.4.3 Public performance

Public performance is the right of copyright owners to control how their work is performed in public. For example, a musician has the right to decide who can perform their work and who may earn royalties from these performances. Playing copyrighted music in public without permission is an infringement of this right.

2.4.4 Communication to the public

Communication to the public is the right to control how a work is shared beyond live performances. For example, a filmmaker controls how their film is streamed online. Unauthorised sharing, like streaming a film without permission, infringes on this right.

2.4.5 Adaptation

Adaptation is the right of copyright owners to control new works based on their original work, such as screenplays, sequels, or translations. Unauthorised adaptations, like making a film of a book without permission, infringe on this right.

2.5 Ability of an owner to vary or modify their exclusive rights

The copyright owner may choose to license or assign their exclusive ownership in a way that differs from the inferred monopoly associated with the Act. This occurs in the case where educational material may be provided as an Open Educational Resource or where any work may carry a Creative Commons Licence. Such a licence cannot be assumed to exist unless it is clearly identifiable on or with the work.

3 Permissible Uses and Exceptions

The permissible uses and exceptions described below apply in cases where a work is not differently licenced as described at 2.5 above.

3.1 Fair Dealing for Research and Study

The use of copyrighted materials for research or study is permissible as a fair dealing under the Act. Typically, in the case of print materials, copying one article from a periodical and up to 10% of a book (or one chapter) is considered fair. The table at 3.2 below gives more detail. These guidelines apply to students and staff engaged in research and study.

3.2 Teaching

The AIE Institute (i.e., its staff) may copy and communicate copyrighted material for use in teaching (such as a prescribed reading on a Learning Management System like Canvas), provided certain conditions are met. The primary condition is AIE Institute's ability to rely on the Statutory Education Licence provisions it has in place. Copying and communicating a work in reliance on the Statutory Licence also requires complying with guidance on the proportion of a work which may be made available. This is broadly similar to the proportions that apply in the case of research and study.

These proportions are described in the following table:

Content Type	For works not commercially available, you can copy:	For works that are available for purchase, you can copy:
Textbooks	100% of work	1 chapter, or 10% of the pages – whichever is greater
Articles from newspapers and journals	100% of work	1 article (or more than 1 if they are on the same subject)
Documents downloaded from a website	100% of work	10% of the number of words
Digital images	Any digital image from any source	Any digital image from any source
Hardcopy images	Any hardcopy image from any source	If accompanied by text

AIE Institute, in relying on the Statutory Licence, should ensure that all required records are kept and maintained, including source details (with proper citation), the extent of use, and the purpose/course description for which the material is used. Provision of access to material in a controlled manner via authentication is also necessary.

3.3 Use in libraries and archives

Australian university libraries and archives follow specific policies to handle physical and digital resources, ensuring they support preservation, research, and study in line with copyright law.

3.3.1 Physical resources

Libraries can make copies for preservation, research, and study under copyright law, typically limited to 10% of a book or a single chapter.

3.3.2 Digital resources

Digital copies are generally restricted to on-premises access unless specific licenses allow broader access, and materials are accessible only to current students and staff.

4 Responsibilities

To ensure compliance with the Copyright Act and uphold academic integrity, AIE Institute staff and students must adhere to specific responsibilities regarding the use of copyrighted materials in teaching, research, and coursework. The AIE Institute library can provide guidance where staff or student users are uncertain.

4.1 Students Responsibilities

Students should ensure that:

- All material is cited correctly and clearly attributed when required.
- If you are using a substantial amount of work, that you have permission to do so.
- When making copies of material whether digital or print, students should ensure that they have done so according to the fair dealing permissions detailed in the table at 3.2 above.
- If at all unsure, students should approach the Librarian for clarification.

4.2 Staff Responsibilities

All staff should ensure that any reproduction of material for teaching purposes is in accordance with the fair dealing permissions and in line with the Copyright Agency License that the AIE Institute carries. This is in addition to:

- Citing all material accurately and acknowledging the author in correct reference format.
- Rather than copying material to provide for student use, staff are requested to provide the link to the library resources or external resources, i.e., Open Educational Resources (OER).
- Staff developing curriculum resources should refer to the Curriculum Development Policy and Procedure for further guidance on setting up learning material and its format.

5 Obtaining permissions

5.1 When is permission required?

Permission is required when the intended use of copyrighted material is not expressly permitted by an existing licence, or when the intended use exceeds the scope of fair dealing or statutory licenses. The obtaining of permission requires the identification of the copyright owner, the submission of a request outlining the intended use, and the maintenance of all relevant correspondence and evidence of the permissions granted.

6 Digital and Online use

6.1 Use of digital resources

Any use of AIE Institute digital resources requires adherence to the terms and conditions of digital resources, including licensing agreements and usage limitations. As most conditions involve an express licence for AIE Institute staff and/or students to the work(s), the use must comply with AIE Institute rules prohibiting the sharing of login credentials or any other form of unauthorised access.

6.2 Online Teaching and Learning

The relevant conditions and policies governing use of copyright materials in face-to-face teaching apply equally in online environments. In the case of the use of Canvas, material uploaded must be solely for the educational purposes of the AIE Institute. The Library can assist with understanding the requirements of providing such material under its Statutory License arrangements. Linking to external resources is preferred to uploading them. Such resources include library databases, as well as external educational websites. In these cases, copyright compliance requirements relating to licenses and permissions apply.

7 Copyright Infringement

7.1 What constitutes infringement?

Infringement includes:

- Unauthorised copying, distribution, or adaptation of copyrighted works.
- Using materials without permission or proper attribution (or, in some contexts, proper record keeping).

7.2 Consequences of infringement

Infringement can result in legal action, including fines and penalties. Additionally, AIE Institute may impose disciplinary measures including academic penalties for students, and employment consequences for staff.

8 Support and Resources

8.1 AIE Institute resources and relevant policies

AIE Institute provides:

- Educational sessions and workshops on copyright best practices.
- Access to a Librarian for advice and support.
- The Curriculum Development Policy and Procedure.

8.2 External Resources

For Australian universities seeking comprehensive guidance on copyright issues, several key external resources are available:

- [Australian Copyright Council \(ACC\)](#) offers extensive advice and resources on copyright law, and provides valuable insights tailored to various sectors, including higher education.
- [Smartcopying](#) is an official guide which addresses copyright issues specific to Australian schools and TAFE, offering practical information on fair dealing, permissions, and the use of copyrighted materials in educational settings.
- [Australian Libraries and Archives Copyright Coalition \(ALACC\)](#) provides specialised guidance for libraries and academic institutions, including policy recommendations and support for managing copyright within educational and archival environments.
- [Copyright Agency](#) offers resources and services related to copyright management, including licensing and permissions tailored for educational institutions.

9 Review and Updates

This guide will be reviewed annually to ensure compliance with current laws and best practices. Updates will be communicated to all staff and students.

10 Contact Information

For further assistance and support please contact the Librarian at library@aieinstitute.edu.au.

11 References

Australian Library and Information Association. (2008). Flexible dealing handbook. Australian Library and Information Association. <https://alacc.org.au/wp-content/uploads/mp/files/posts/files/flexibledealinghandbookfinal.pdf>.

Copyright Agency. (2024). Licenses and Permission. <https://www.copyright.com.au/licences-permission/educational-licences/private-education-providers/how-the-licence-works/>.